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Conyers and 10 Ranking Members File Suit to Stop Budget Cuts that Violate Constitution

(Detroit, MI) Congressman John Conyers, Jr., joined by 10 additional Members of Congress, will bring legal action tomorrow to enjoin the implementation of the Deficit Reduction Act.

On February 8, the President signed a version of the "Deficit Reduction Act" that had passed the Senate, but had never passed the House (the House passed version of the bill provided for 36 months of durable medical equipment funding whereas the Senate bill provided for 13 months - amounting to a roughly \$2 billion difference) As such, the version signed by the president should not be considered a "law," as it does not comply with the constitutional requirement that the same exact bill pass both Houses of Congress. According to public accounts, the Republican leaders of the House and the Senate, as well as the President, were well aware the legislation before the President had not passed the House of Representatives before the presidential signing ceremony.

"Once again the Administration is playing fast and loose with the Constitution. Anyone who has passed the sixth grade knows that before a bill can become a law, both Houses of Congress must approve it. That the Bush Administration is now saying otherwise underscores the Constitutional crisis we are facing in this country," said House Judiciary Committee Ranking Member Congressman John Conyers, Jr. "Over 200 years of legal precedent dictate that such discrepancies can be handled through simply refiling the paperwork, or re-voting the whole bill. Because the bill cuts billions of dollars to the Nation's most needy, the Republican leadership prevented a re-vote at all costs."

Congressman John Dingell, Ranking Member of the Energy and Commerce Committee noted that, "this lawsuit points out the evils of combining political expediency and constitutional shortcuts. There is no excuse for

avoiding basic institutional responsibilities that the American people expect to be carried out honestly."

"Republican leaders were in such a rush to ram this bill through Congress and get the President to sign it that they violated the Constitution in the process," said Rep. George Miller, Ranking Member of the Education and Workforce Committee. "And they were in a rush because this was a very, very bad bill. They wanted to spend as little time as possible having to explain their backwards priorities - like cutting \$12 billion from financial aid programs for college students - to their constituents."

Congressman Charles Rangel, Ranking Member of the Ways and Means Committee explained that "the Constitution is clear -- legislation signed by the President must be passed by both the House and the Senate. In allowing the President to sign a bill that was not passed by the House, Congressional Republicans made a mockery of the legislative process. This suit attempts to right the wrong, restoring order to the bicameral process required by the Constitutional drafters."

Rep. Bennie Thompson, Ranking Member of the Homeland Security Committee added, "time and time again the President has sought to discard the Constitution as if it were an old shoe. During these difficult times, it is imperative that we here in Congress adhere to process set forth by our Constitution to ensure that the American people are getting what they paid for when they voted us into office. I don't believe that our Founding Fathers gave the Bush Administration a free pass to only comply when it suits their current political needs."

"By pretending that this defective bill is a validly enacted law, President Bush and the Republican majority in Congress are setting a dangerous precedent. They cannot choose to ignore the Constitution when it fits their needs," said Congressman James L. Oberstar, Ranking Member of the Transportation and Infrastructure Committee. "My Democratic colleagues and I initiated this lawsuit so that the judicial branch can correct this unconstitutional and arrogant abuse of power by the executive and legislative branches of government."

"This lawsuit will test the intellectual integrity of those who argue for the literal application of the original intent of the constitution, since the requirement that both houses of Congress pass laws in identical form is one of the least ambiguous provisions in that document," said Rep. Barney Frank, Ranking Member on the Financial Services Committee.

"Schoolhouse Rock has taught generations of Americans how a bill becomes a law," said Rep. Stark, Ranking Democrat on the Ways and Means Health

Subcommittee. "As most school children can attest, a bill is just a bill on Capitol Hill until it passes both the House and Senate in identical form and is signed by the President - or Congress overrides his veto. I'm sorry we've had to resort to this lawsuit, but I am committed to protecting our democracy."

In addition to Rep. Conyers, the other plaintiffs will include the Ranking Members on relevant committees and subcommittees impacted by the Deficit Reduction Act: Rep. John Dingell, Ranking Member on the Energy and Commerce Committee; Rep. Charles B. Rangel, Ranking Member on the Ways and Means Committee; Rep. George Miller, Ranking Member on the Education and Workforce Committee; Rep. James L. Oberstar, Ranking Member on the Transportation and Infrastructure Committee; Rep. Barney Frank, Ranking Member on the Financial Services Committee; Rep. Collin C. Peterson, Ranking Member on the Agriculture Committee; Rep. Bennie Thompson, Ranking Member on the Homeland Security Committee; Rep. Louise M. Slaughter, Ranking Member on the Rules Committee; Rep. Fortney "Pete" Stark, Ranking Member on the Ways and Means Health Subcommittee; Rep. Sherrod Brown, Ranking Member on the Commerce Health Subcommittee. The Congressmen are represented by Dykema Gossett PLLC and Professor Erwin Chemerinsky, a constitutional expert at Duke Law School.

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